

IN THE MATTER OF THE POSTHUMOUS
PARDON APPLICATION FOR LEO FRANK

Videotaped testimony of ALONZO MANN,
taken on behalf of the applicants requesting
the pardon for Leo Frank, reported by
Linda M. Lewis, Certified Court Reporter
and Notary Public, at the Riviera Hyatt
Hotel, Brookwood Suite, Atlanta, Georgia,
on the 10th day of November, 1982,
commencing at the hour of 2:10 p.m.

BROWN REPORTING, INC.

COURT REPORTERS



600 Candler Building
Atlanta, Georgia 30303
(404) 525-0144

407 Sixth Street
Augusta, Georgia 30901
(404) 724-2778

MEMBERS
OF



1 APPEARANCES:
2 On behalf of
3 Alonzo Mann: JOHN JAY HOOKER, Esq.
4 On behalf of the
5 State Board of
6 Pardons and Paroles: MICHAEL WING
7 L. SILAS MOORE
8 On behalf of the
9 Anti-Defamation League
10 and B'nai B'rith: CHARLES F. WITTENSTEIN, Esq.
11 On behalf of
12 B'nai B'rith: DALE M. SCHWARTZ, Esq.
13 On behalf of the
14 Nashville Tennessean: JERRY THOMPSON
15 ROBERT SHERBORNE
16 On behalf of the
17 Atlanta Jewish
18 Federation: M. C. GETTINGER
19 MARVIN SPCHEISER
20 On behalf of the
21 American Jewish
22 Committee: APRIL LEVINE

23 - - -

24 MR. HOOKER: My name is John Jay Hooker.
25 I am counsel for Mr. Alonzo Mann, M-a-n-n, in the

1 matter of the application for pardon posthumously of
2 Mr. Leo Frank. Mr. Alonzo Mann is here and is going
3 to give his testimony relative to this matter.

4 We have invited Mr. Silas Moore of the
5 State Pardons and Parole Board of Georgia and Mr.
6 Michael Wing, a member of the board, to be present
7 today to listen to testimony of Mr. Mann. They have
8 been kind enough to come and are present here today,
9 and we have asked them to ask any questions that they
10 have at the proper time of Mr. Mann.

11 We also have with us here today in
12 addition to Mr. Wing and to Mr. Moore we have Mr. M.
13 C. Gettinger of the Atlanta Jewish Federation. Mr.
14 Gettinger and the Atlanta Jewish Federation is one of
15 the applicants for the pardon, posthumous pardon, of
16 Leo Frank. We also have with us Mr. Marvin Sphceiser,
17 S-p-h-c-e-i-s-e-r, of the Atlanta Jewish Federation.

18 In addition we have Miss April Levine,
19 L-e-v-i-n-e, of the American Jewish Committee.
20 Likewise, we have Mr. Charles F. Wittenstein who is
21 the attorney for the Anti-defamation League and B'nai
22 B'rith. We have Mr. Dale Schwartz, S-c-h-w-a-r-t-z,
23 also of B'nai B'rith who are here with us today.

24 I believe that includes everybody, except
25 Jerry Thompson, a reporter for the Nashville

1 Tennessean, who originally -- whose piece appeared in
2 the Nashville Tennessean regarding Mr. Mann, and Mr.
3 Bob Sherborne, S-h-e-r-b-o-u-r-n-e, also of the
4 Nashville Tennessean who participated with Mr.
5 Thompson in the section that appeared in the
6 Nashville Tennessean some time ago.

7 So that is the statement of who's here
8 and why we are here, and we have arranged for a court
9 reporter and a video taping of this so as to preserve
10 for all time the testimony of Mr. Alonzo Mann, who is
11 84 years old, to be sure that we make a part of the
12 permanent record of the Leo Frank matter this
13 testimony. Mr. Mann is here, and the camera will go
14 on him; and we will proceed to ask you some questions.

15 Mr. Mann, I am going to ask you the
16 original questions, and then all the people who are
17 here and who are applicants for this relief as well
18 as the newsmen who are here and certainly the members
19 of -- Mr. Moore of the Pardons -- who works for the
20 Pardons and Paroles Board and Mr. Wing, who is a
21 member of the board, will also ask you questions.
22 Then, in addition, anything you want to say that is
23 not asked to you you will be given an opportunity.

24 THE WITNESS: I will answer the questions
25 as truthfully as I know how.

1 I was brought to Atlanta as a child.

2 Q. And you lived here in Atlanta until when?

3 A. Until I -- until I got married in 1920
4 after I was just discharged from the Army.

5 Q. And then you -- and when did you leave
6 Atlanta?

7 A. I continued to live here, and we moved to
8 Florida for a couple years; and I moved back. Then
9 we stayed in Atlanta afterwards.

10 Q. From approximately what years to what
11 years, if you recollect?

12 A. Well, I would say from 1920 up until
13 three years ago.

14 Q. Until three years ago. And are you
15 married?

16 A. Yes, I am married -- yes, indeed.

17 Q. You have been married?

18 A. I was married 62 years.

19 Q. And your wife is living or dead?

20 A. My wife is dead.

21 Q. And were you at one time in the employ of
22 the National Pencil Company?

23 A. Yes, I was, as a boy, as an office boy.

24 Q. Do you recollect what years that was?

25 A. 1913.

1 MR. HOOKER: So that's the introduction.

2 And now if you would turn the camera on the witness
3 and we will get on with it.

4 ALONZO MANN,

5 having been duly sworn, was examined and testified
6 as follows:

7 EXAMINATION

8 BY MR. HOOKER:

9 Q. Sir, what is your full name, please?

10 A. Alonzo McClendon Mann.

11 Q. I want to ask you a few questions about
12 yourself. If you will pardon my asking, what is your
13 exact age?

14 A. My exact age is -- I was born in 1898. I
15 am 84.

16 Q. Very good. And where do you reside?

17 A. I reside in Bristol, Virginia.

18 Q. How long have you lived there?

19 A. Three years this November.

20 Q. And did you previously live in Atlanta,
21 Georgia?

22 A. Nearly all my life, most all of my life.

23 Q. Approximately, as best you can recollect,
24 approximately what years were they?

25 A. Well, we lived in Memphis, Tennessee; and

1 Q. 1913. Mr. Mann, are you familiar with a

2 man by the name of the Jerry Thompson?

3 A. Yes, he is a reporter for the Tennessean.

4 Q. That's the Nashville Tennessean newspaper

5 in Nashville, Tennessee?

6 A. Yes, sir.

7 Q. And are you likewise familiar with a man

8 named Mr. Bob Sherborne?

9 A. Yes. He is with the Nashville newspaper,

10 the Tennessean.

11 Q. Did you have occasion to have

12 conversations with Mr. Thompson and Mr. Sherborne

13 relative to the trial of a man named Leo Frank?

14 A. Yes, I did.

15 Q. And as a consequence of that, did the

16 Nashville Tennessean newspaper write an extensive

17 series of newspaper stories?

18 A. Yes, they did.

19 Q. Based on what you told them?

20 A. Yes. They told exactly what I told them.

21 Q. Have you yourself read the stories that

22 appeared in the Nashville Tennessean?

23 A. Yes, I have read it all.

24 Q. And so if I hand you a copy of the

25 Nashville Tennessean you would recognize that and you

1 would be able to glance at that and determine if that
2 was the stories that were based on your accounts?

3 A. Yes.

4 Q. So I am going to hand you this newspaper
5 and want to make this Exhibit 1 to your testimony,
6 and I just want you to -- I will help you here flip
7 through it just to -- this is the same paper we have
8 been looking at together a few minutes ago, but I
9 want you to verify that this is the newspaper, the
10 Nashville Tennessean, these are pictures of you and
11 various stories about you --

12 A. Yes.

13 Q. -- that appeared in that publication.

14 Good. Now, can you --

15 A. Everything is true.

16 Q. You can verify that first as being a copy
17 of the Nashville Tennessean which you have previously
18 seen?

19 A. Yes.

20 Q. And you can verify this as having been a
21 news account that appeared and was sold to the public?

22 A. Yes.

23 Q. Now, Mr. Mann -- tell us, Mr. Mann,
24 please tell us how this came to be. How did you
25 happen to have these conversations with the Nashville

1 Tennessean?

2 A. A few years ago I bought a Golden book
3 about the trial, the only book I had ever bought or
4 tried to read.

5 Q. About the trial of --

6 A. Leo M. Frank.

7 Q. Of Leo M. Frank.

8 A. I read about 30 pages, and I saw there
9 were so many mistakes in there and so many things
10 that wasn't true, I began to make notes; and I made
11 notes through those 30 or 40 pages.

12 Q. And, for the record, let's as best you
13 can, the name of that book was?

14 A. A Little Girl Is Dead.

15 Q. A Little Girl Is Dead, and it was written
16 by a man -- I think you said Harry Golden.

17 A. Harry Golden.

18 Q. And you read that book or part of it.

19 A. I read 40 sheets of it.

20 Q. 40 sheets of it. And I believe you made
21 notes in it.

22 A. I made notes in it.

23 Q. And I believe there appears --

24 A. Some of the notes are in the paper.

25 Q. In the news section on page 8 there

1 appears an excerpt of both of Mr. Golden's words and
2 your words concerning your agreement or disagreement
3 with the content of that material.

4 A. Yes. At that time I didn't know Jerry
5 Thompson, I didn't know the Tennessean, and I didn't
6 know anyone with the Tennessean.

7 Q. Just in your own words now at your own
8 pace -- we are here to preserve this testimony. You
9 are 84 years old.

10 A. Yes.

11 Q. And you care enough about this matter to
12 have told people who in turn told the Tennessean.

13 A. Yes.

14 Q. And you have given apparently an
15 extensive amount of time to talk to these Tennessean
16 reporters and so forth.

17 A. Yes, I did.

18 Q. And you are here today to testify in this
19 matter. In your own words, go a little further about
20 the Nashville Tennessean situation. How did you
21 happen to be in touch with them? After you read the
22 book what happened next?

23 A. I made these notes in the Golden book.

24 Q. Right.

25 A. And my nephew came to see me, and I was

1 talking with him; and he picked up the book and
2 looked at it, and he asked me about it.

3 Q. Who is your nephew, for the record?

4 A. My nephew is Bob Mann.

5 Q. Spelled the same way you spell your name,
6 Bob Mann.

7 A. Robert Mann.

8 Q. Robert Mann. All right.

9 A. He's my brother's son.

10 Q. Your brother's son. How old is your
11 nephew?

12 A. I am sure Robert is 58 or 59.

13 Q. And he -- what does he do?

14 A. Right at the present time he is a
15 bodyguard with someone.

16 Q. With Mr. Jerry Thompson of the --

17 A. Mr. Jerry Thompson.

18 Q. The same man who is the news reporter for
19 the Nashville Tennessean?

20 A. Yes.

21 Q. How did he happen to become a bodyguard
22 for Jerry Thompson; do you know?

23 A. Mr. Jerry Thompson knew Robert Mann for
24 some time, and Robert Mann was a security guard
25 somewhere. I don't know. I never asked him. And

1 that's how --

2 Q. Well, let me ask you: Do you know if it
3 was in conjunction with the fact that Mr. Jerry
4 Thompson as a reporter for the Nashville Tennessean
5 has investigated the Ku Klux Klan and had written
6 articles on behalf -- in the Tennessean about that
7 subject?

8 A. I never talked about that, but I always
9 knew that was the reason. I thought that was the
10 reason.

11 Q. I understand. So Mr. -- your nephew,
12 Mr. Mann, he suggested that you have a conversation
13 with Jerry Thompson.

14 A. After he read the book, a part of the
15 book, and the notes that I made, he says, "Well, I
16 know someone that might be glad to pick that up and
17 finish it and talk with you about it."

18 Q. And so then Mr. Thompson came to see you?

19 A. He came to see me, and Mr. Robert
20 Sherborne came with him.

21 Q. The first time they came together?

22 A. Yes.

23 Q. Where did they come to?

24 A. They came to my mobile home that I had
25 just bought, which I lived in a nice mobile home park.

1 Q. Where?

2 A. In Bristol, Virginia.

3 Q. And do you recollect approximately when
4 that was, about a year ago or --

5 A. Eight months ago.

6 Q. And they came --

7 A. Maybe nine months ago.

8 Q. And they came to see you in Bristol,
9 Virginia --

10 A. Yes, they did.

11 Q. -- to ask you about your recollections
12 regarding Mr. Leo Frank.

13 A. Yes.

14 Q. And you told them at that time that you
15 had worked for the National Pencil Company and with
16 Mr. Frank.

17 A. Yes, we went into all of that.

18 Q. What was your relationship to Mr. Leo
19 Frank? First of all, you were no kin -- you are no
20 kin to Mr. Leo Frank, are you?

21 A. No.

22 Q. And the only relationship you had with
23 him was -- as a boy you were I believe at that
24 time -- how old were you, approximately 14 years old?

25 A. I think I was exactly 14.

1 Q. In 1913?

2 A. 1913.

3 Q. And you were an office boy. What did you
4 do for the National Pencil Company?

5 A. I was a little more than an office boy.

6 I filed all the reports, I ran all the errands, I did
7 all the mailing, I answered the telephone, any errand
8 that was to be through the factory, I went through
9 the factory. If they had messages to be delivered to
10 the managers, different departments or the assistant
11 manager of the building, of the company my job was to
12 do all of those things.

13 Q. Where did you physically locate yourself
14 in the business?

15 A. In the office with Mr. Frank, near his
16 desk. I had a desk, a little small desk, over in the
17 corner with my chair. If the phone rang and he
18 wasn't there, I would answer it.

19 Q. So you were sort of a jack-of-all-trades?

20 A. That's right.

21 Q. You answered the telephone; you delivered
22 messages; you were a 14-year-old boy. Who -- was
23 Mr. -- did you regard Mr. Leo Frank as your boss?
24 Was he the man you reported to?

25 A. I regarded him as a boss and a wonderful

1 person.

2 Q. So you had a great respect for Leo Frank.

3 A. Yes, and he did me, too.

4 Q. Were you then -- at the time Mr. Frank
5 was indicted for murder in Atlanta, Georgia, were you
6 called as a witness in that case?

7 A. Yes, I was.

8 Q. And that case took place in 1913.

9 A. Yes, it was in 1913.

10 Q. And at that time, 1913, you appeared as a
11 witness in the case of the State of Georgia versus
12 Leo Frank.

13 A. On defense.

14 Q. And you were -- you were a witness for
15 the defense.

16 A. Yes.

17 Q. Had you had some conversations prior to
18 the time of the trial? Had you had some
19 conversations with the prosecutors after the matter
20 occurred -- I believe there was a young girl who was
21 killed.

22 A. Mary Phagan.

23 MR. HOOKER: The court reporter, do you
24 know her name? Do you want it spelled for you? Mary,
25 P-h-a-g-a-n. Mary Phagan was her name.

1 Q. (BY MR. HOOKER) Was she an employee of
2 the National Pencil Company?

3 A. She was an employee, and she worked on
4 the metal machine where they put the tips on the end
5 of the pencils.

6 Q. Did you know her personally?

7 A. No, I did not.

8 Q. Other than -- did you know to see her?
9 Did you --

10 A. The only way I knew to see her, I heard
11 her name called.

12 Q. But you don't recollect having ever seen
13 her as an employee other than to have heard her name
14 called.

15 A. That's all, and at the machine.

16 Q. And at the machine.

17 A. Because one day I went to the back to
18 deliver a message to Mr. Darling, and she was being --
19 someone was riding around, one of the girls was
20 riding around in a little red wagon; and the wagon is
21 what they bring their pencils, end of the pencil caps
22 on. And they were laughing, and they called her name.

23 Q. And you got a glimpse of her on that
24 occasion?

25 A. Oh, yes.

1 Q. But you never had a relationship with her, 16
2 never really met her or --
3 A. Never knew her, never talked with her in
4 my life.
5 Q. And she was killed in 1913 allegedly
6 there in the National Pencil Company building.
7 A. Yes.
8 Q. And for which your Mr. Leo Frank for whom
9 you worked -- he was your boss. What was his title
10 with the National Pencil Company?
11 A. He was general manager.
12 Q. How old a man was he; do you recollect?
13 A. I think he was around 29 or 25, 26 maybe.
14 Q. I think the record shows he was 29 years
15 old. If that's what the newspaper said, would you
16 agree that's what his age was?
17 A. Yes, I would agree because I never knew
18 his exact age.
19 Q. All right. Is this a picture of Mr. Leo
20 Frank as you recollect?
21 A. Yes, that's a good picture of him.
22 Q. So you worked closely with him in his
23 office there, and you knew him as a boy would know a
24 grown man; and you reported to him, you did what he
25 told you to do.

1 A. I certainly did.

2 Q. And he was indicted for the murder of
3 Mary Phagan.

4 A. Yes.

5 Q. And I believe that you have given to the
6 Nashville Tennessean, and they have procured --
7 here's a picture of you which is on page 8; and that
8 is a picture of you, isn't it, on page 8 here?

9 A. Yes.

10 Q. And there's an article entitled "His
11 Secret Well Kept"; and that article which is in the
12 middle of the page purports to tell about you and
13 your testimony which apparently took place, you
14 testified, on August 12th, 1913, some two weeks after
15 the start of the trial. And the Atlanta Constitution
16 reported -- the newspaper reported the next day a
17 headline reading, "Office Boy Swears He Never Saw
18 Woman in Office With Frank."

19 A. That's correct. I never saw anything
20 wrong in the factory, never.

21 Q. Now, did you -- how did you happen to be
22 a witness? You were called by the defense.

23 A. They called me as a witness.

24 Q. Now, Mr. Mann, at that time you were 14
25 years old.

1 A. Yes.

2 Q. And you worked for the National Pencil
3 Company, and you were there in the office on a
4 day-to-day basis with Mr. Frank.

5 A. Yes, we were there half a day.

6 Q. And you didn't know this girl except by
7 sight and name to be a young woman who worked in the
8 pencil part or the manufacturing part of the plant.

9 A. That is correct.

10 Q. And she had been killed on the location
11 there, physical location, apparently of the National
12 Pencil Company itself; and Mr. Frank had been
13 indicted for doing that.

14 A. Yes.

15 Q. Now, were you contacted by the police as
16 being an employee and around -- were you contacted by
17 the police and questioned about what you knew in the
18 matter?

19 A. I was contacted by the police and many
20 reporters; and they asked me different questions,
21 where I went and what I did. But no one asked me any
22 direct questions about anything important, except
23 what I did.

24 Q. So -- but you were contacted by the
25 police?

1 A. Oh, yes.

2 Q. Now, you say -- but you were not a
3 witness for the prosecution --

4 A. No.

5 Q. -- as you recollected at the trial?

6 A. I was a witness for the defense.

7 Q. And were you accordingly contacted by the
8 defense lawyers, and did they make inquiry of you or
9 have conversations with you prior to the time you
10 went on the witness stand?

11 A. Rubin Arnold --

12 Q. Who is Rubin Arnold?

13 A. He was a lawyer for the defense.

14 Q. Right. Let me show you here. Let's see.

15 A. And Rosser was an attorney for the
16 defense.

17 Q. Is this the picture of Mr. Rosser, Luther
18 S. Rosser, R-o-s-s-e-r, that appears on page 5 of the
19 Tennessean. There's a page that is headed, "Profiles
20 of Principal Characters," and Luther Z. Rosser is
21 there pictured and has a short biographical sketch
22 about him. You have read that biographical sketch
23 and seen that picture.

24 A. Oh, yes, I read that. But, of course, in
25 this picture I probably would not recognize him if he

1 was in his civilian clothes. I mean I may not
2 recognize him here, but I would recognize him if he
3 stood in front of me.

4 Q. Now, Mr. Rosser, he was one of the
5 lawyers for Mr. Frank.

6 A. Yes.

7 Q. Now, did you have a conversation with him
8 or Mr. Arnold, who I believe was his partner or at
9 least was his associate in the defense of Mr. Frank.

10 A. I had a slight conversation with him that
11 they asked me a few questions. It wasn't very
12 important.

13 Q. Before the trial, before you appeared as
14 a witness.

15 A. Before I appeared as a witness on the
16 stand.

17 Q. Did they ever ask you if you had any
18 eyewitness information; in other words, did they ever
19 ask you any question relating to whether or not you
20 had seen anything in conjunction with this murder?

21 A. They did not.

22 Q. Did the police ever ask you any question
23 as to whether or not you had seen anything in
24 conjunction with the killing of this girl?

25 A. They did not.

1 Q. So neither the -- your testimony is, then,
2 that neither the police or detective or investigator,
3 nobody -- or prosecuting attorney, nobody on behalf
4 of the Government, that is the prosecuting office and
5 the people who report thereto, or anybody on behalf
6 of the defendant?

7 A. No one asked me anything in regards to
8 that.

9 Q. Now, suppose they had asked you in regard
10 to that?

11 A. If they asked me in regards to that, I
12 would have promptly told them at that time.

13 Q. Did you have any conversations with your
14 mother or with any members of your family or anybody
15 in addition to those people about your -- what you
16 knew and about your perspective testimony in the
17 matter.

18 A. Now we are going back to what happened;
19 is that it?

20 Q. Correct.

21 A. And when I went home.

22 Q. Correct.

23 A. Well, I went home and told my mother; and
24 she said, "Now we will wait and see, but don't say
25 anything. Keep out of it."

1 Q. All right. What I want to announce for
2 the sake of chronology and try to keep the record
3 straight, I would like to read into the record that
4 testimony on page 8 that appears in the Nashville
5 Tennessean which purports to be an exact copy of
6 information that appeared in the Atlanta Constitution.
7 I want to read that to you and ask you if you have
8 any recollection about that and then ask you further
9 questions. So if you will indulge me for a moment,
10 let me just read this testimony that purports to be
11 your testimony and ask you if that actually took
12 place.

13 A. Yes.

14 Q. It says on page 8, the middle thereof,
15 "The full text of the story follows:" This is under
16 the headline, "Office Boy Swears He Never Saw Woman
17 In Office With Frank."

18 A. Correct.

19 Q. That's in quotation. Then according to
20 the Nashville Tennessean published on Sunday, March
21 7th, 1982, this story appeared in the Atlanta
22 Constitution on August 12th, 1913. And I will read
23 from the Tennessean purporting to be the story that
24 appeared in the Atlanta Constitution.

25 "Alonzo Mann, the office boy at the

1 National Pencil factory, was called as a witness
2 after Mrs. Minnie Smith had been excused. The lad
3 was decidedly uneasy from the time he came in rather
4 timidly until he had finished his evidence, which he
5 gave in a voice so low at times that the court
6 stenographer could hardly hear it.

7 "He told of Frank's being apparently busy
8 at work on Saturdays and declared that he had never
9 seen any women or C. B. Dalton around the factory on
10 such occasions."

11 A. That is correct.

12 Q. "Were you sworn?" Mr. Arnold asked.
13 That's the lawyer that represented --

14 A. Yes.

15 Q. "I -- I dunno, sir," the lad replied.

16 "Well, I'll swear you then as a matter of
17 precaution," said the attorney in a kindly voice.

18 The oath was administered.

19 "Do you work at the National Pencil
20 factory?"

21 "Yes, sir."

22 "When did you start to work there?"

23 "April 1."

24 "How late did you work on Saturdays,
25 except on Holidays?"

1 "I don't remember exactly. I worked
2 there on the day the girl was killed and on the two
3 Saturdays before that, and I stayed until 11:30 that
4 Saturday," the lad said.

5 "Did you ever see Mr. Frank bring women
6 in there on Saturdays?"

7 "No, sir."

8 "Did you ever see a man named Dalton
9 there?"

10 "No, sir."

11 "Were you there at work that Saturday
12 morning of the day before the girl's body was found?"
13 asked Solicitor Dorsey, who took up the
14 cross-examination at this point.

15 "Yes."

16 "Did Frank start right to work?"

17 "He went right into his office when he
18 came."

19 "Did you see him go out?"

20 "He went out once."

21 Now, that purports to be your testimony.

22 A. That's correct.

23 Q. Do you -- that took place some 70 years
24 ago.

25 A. Oh, yes.

1 Q. Do you remember that as being your
2 testimony?

3 A. Yes. I never will forget what happened.

4 Q. Does this, as best you can recollect, is
5 this the entire amount of your testimony? Was it
6 longer than this? Was there additional testimony?
7 According to your recollection, is this a complete or
8 nearly complete resume of your testimony?

9 A. At that time that was all I knew. I told
10 it all.

11 Q. And your testimony is now that as far as
12 you can remember this was all your testimony on that
13 occasion?

14 A. That's correct.

15 Q. And you have already testified that you
16 had not given them -- the lawyers or the detectives
17 or anybody, you had not given them any information
18 concerning your knowledge of the crime, other than
19 this information?

20 A. Now, we are speaking after we saw Jim
21 Carney with the girl?

22 Q. Yes, sir.

23 A. No. I didn't give any information
24 because my mother told me not to talk.

25 Q. I want to take you back over that in

1 Q. Do you remember that as being your
2 testimony?

3 A. Yes. I never will forget what happened.

4 Q. Does this, as best you can recollect, is
5 this the entire amount of your testimony? Was it
6 longer than this? Was there additional testimony?
7 According to your recollection, is this a complete or
8 nearly complete resume of your testimony?

9 A. At that time that was all I knew. I told
10 it all.

11 Q. And your testimony is now that as far as
12 you can remember this was all your testimony on that
13 occasion?

14 A. That's correct.

15 Q. And you have already testified that you
16 had not given them -- the lawyers or the detectives
17 or anybody, you had not given them any information
18 concerning your knowledge of the crime, other than
19 this information?

20 A. Now, we are speaking after we saw Jim
21 Carney with the girl?

22 Q. Yes, sir.

23 A. No. I didn't give any information
24 because my mother told me not to talk.

25 Q. I want to take you back over that in

1 sequence, but on a step-by-step basis. But basically
2 this testimony that you have -- gave in court that
3 day and was reported in the Atlanta Constitution and
4 is now re-reported in the Nashville Tennessean, your
5 now testimony is that -- this that I have just read
6 reflects your best recollection as to what you
7 testified on that day in court?

8 A. That is correct.

9 Q. Now, you are further testifying that
10 beyond that that the matters to which you are now
11 going to testify were not addressed in the Court on
12 that day, the matters as relates to what you saw
13 beyond this testimony.

14 A. Oh, yes, sir. It would be the same
15 testimony.

16 Q. But maybe I haven't made the question
17 clear. In other words, the part to which I am now
18 going to ask you about which you were an eyewitness,
19 you did not testify to that at the time.

20 A. That is correct.

21 Q. And you were not asked about that by the
22 lawyers or the detectives or anybody else.

23 A. I was not.

24 Q. Now, Mr. Mann, in your own words you -- I
25 want you to tell, just at your own pace and your own

1 sequence, but on a step-by-step basis. But basically
2 this testimony that you have -- gave in court that
3 day and was reported in the Atlanta Constitution and
4 is now re-reported in the Nashville Tennessean, your
5 now testimony is that -- this that I have just read
6 reflects your best recollection as to what you
7 testified on that day in court?

8 A. That is correct.

9 Q. Now, you are further testifying that
10 beyond that that the matters to which you are now
11 going to testify were not addressed in the Court on
12 that day, the matters as relates to what you saw
13 beyond this testimony.

14 A. Oh, yes, sir. It would be the same
15 testimony.

16 Q. But maybe I haven't made the question
17 clear. In other words, the part to which I am now
18 going to ask you about which you were an eyewitness,
19 you did not testify to that at the time.

20 A. That is correct.

21 Q. And you were not asked about that by the
22 lawyers or the detectives or anybody else.

23 A. I was not.

24 Q. Now, Mr. Mann, in your own words you -- I
25 want you to tell, just at your own pace and your own

27

1 way, what you now recollect as being what took place
2 in your eyesight, what you saw on that day in 1913
3 when this matter occurred. Now, you just tell that
4 in your own way.

5 A. I reported to the National Biscuit
6 Company -- Pencil Company at the usual time, around
7 8:00 o'clock. If you didn't get there at 8:00, you
8 were really not on time. So I was there.

9 Q. Let me just interrupt you for one second.
10 You have given an affidavit which appears on page 9
11 of the Tennessean, which I show you now has -- also
12 has a picture of you, and then it says the "Statement
13 of Alonzo Mann," and this is an affidavit. "The
14 undersigned being duly sworn, deposes as follows:" I
15 believe you gave this affidavit to Mr. Jerry Thompson.

16 A. I certainly did.

17 Q. Now, beyond that did you take a lie
18 detector test and other tests to determine that the
19 newspaper, the Nashville Tennessean, Mr. Jerry
20 Thompson, and Mr. Bob Sherborne, and Mr. John
21 Sigenthal -- do you know Mr. John Sigenthal?

22 A. Oh, yes.

23 Q. He is the publisher of the Nashville
24 Tennessean.

25 A. I know him. I met him.

1 way, what you now recollect as being what took place
2 in your eyesight, what you saw on that day in 1913
3 when this matter occurred. Now, you just tell that
4 in your own way.

5 A. I reported to the National Biscuit
6 Company -- Pencil Company at the usual time, around
7 8:00 o'clock. If you didn't get there at 8:00, you
8 were really not on time. So I was there.

9 Q. Let me just interrupt you for one second.
10 You have given an affidavit which appears on page 9
11 of the Tennessean, which I show you now has -- also
12 has a picture of you, and then it says the "Statement
13 of Alonzo Mann," and this is an affidavit. "The
14 undersigned being duly sworn, deposes as follows:" I
15 believe you gave this affidavit to Mr. Jerry Thompson.

16 A. I certainly did.

17 Q. Now, beyond that did you take a lie
18 detector test and other tests to determine that the
19 newspaper, the Nashville Tennessean, Mr. Jerry
20 Thompson, and Mr. Bob Sherborne, and Mr. John
21 Sigenthal -- do you know Mr. John Sigenthal?

22 A. Oh, yes.

23 Q. He is the publisher of the Nashville
24 Tennessean.

25 A. I know him. I met him.

1 Q. At the time that you gave this
2 information to Jerry Thompson, did they try to verify
3 it? Did they ask you if you would take a lie
4 detector test and so forth?

5 A. They gave me a lie detector test and also
6 a mental test, now whatever you might call it.

7 Q. Stress test.

8 A. And I went through everything they asked
9 me to do.

10 Q. And then after you -- then you then gave
11 them an affidavit or maybe you gave the affidavit
12 before that.

13 A. I gave the affidavit I think after that
14 was done, I believe I did.

15 Q. Well, whether it was before or after, you
16 gave them the affidavit containing the information
17 that is presently, that is in the affidavit and was
18 published by them on Sunday, March 7th, 1982.

19 A. Well, I think that was after I took my
20 test.

21 Q. After you took your lie detector test.
22 Now, in that affidavit you set out facts about what
23 you knew and saw in conjunction with this trial of
24 Leo Frank.

25 A. Yes.

1 Q. At the time that you gave this
2 information to Jerry Thompson, did they try to verify
3 it? Did they ask you if you would take a lie
4 detector test and so forth?

5 A. They gave me a lie detector test and also
6 a mental test, now whatever you might call it.

7 Q. Stress test.

8 A. And I went through everything they asked
9 me to do.

10 Q. And then after you -- then you then gave
11 them an affidavit or maybe you gave the affidavit
12 before that.

13 A. I gave the affidavit I think after that
14 was done, I believe I did.

15 Q. Well, whether it was before or after, you
16 gave them the affidavit containing the information
17 that is presently, that is in the affidavit and was
18 published by them on Sunday, March 7th, 1982.

19 A. Well, I think that was after I took my
20 test.

21 Q. After you took your lie detector test.
22 Now, in that affidavit you set out facts about what
23 you knew and saw in conjunction with this trial of
24 Leo Frank.

25 A. Yes.

1 Q. Now, without regard to that affidavit, I
2 want you now just in your own words to state for the
3 purpose of this record and give testimony now about
4 what you recollect about that. As you know, we have
5 made an exhibit to your testimony this whole section
6 of the newspaper which contains your affidavit. But
7 now I am asking you just as best you can in the
8 presence of Mr. Wing here of the Georgia State
9 Pardons and Parole Board and Mr. Silas Moore and the
10 other people whose names appear as a part of this
11 proceeding, I want you to tell us in your own words
12 what you recollect about that fateful morning at
13 which you saw what you are now going to tell us about.

14 A. It was Saturday on Memorial Day. I went
15 to work at the usual time, which we did work a half a
16 day on Saturday in our office, but sometimes the
17 factory did not. On that particular day the factory
18 was closed. So I went in and did most of my work.
19 And I told Mr. Frank that I would have to leave a
20 little early because I wanted to meet my mother. She
21 was going to buy a hat up there at Peachtree and
22 Whitehall at the viaduct. So he said, "Go right
23 ahead." I said, "I will probably come back if I
24 don't meet her and do my -- finish my filing."

25 So I went to meet my mother, which

29
1 Q. Now, without regard to that affidavit, I
2 want you now just in your own words to state for the
3 purpose of this record and give testimony now about
4 what you recollect about that. As you know, we have
5 made an exhibit to your testimony this whole section
6 of the newspaper which contains your affidavit. But
7 now I am asking you just as best you can in the
8 presence of Mr. Wing here of the Georgia State
9 Pardons and Parole Board and Mr. Silas Moore and the
10 other people whose names appear as a part of this
11 proceeding, I want you to tell us in your own words
12 what you recollect about that fateful morning at
13 which you saw what you are now going to tell us about.

14 A. It was Saturday on Memorial Day. I went
15 to work at the usual time, which we did work a half a
16 day on Saturday in our office, but sometimes the
17 factory did not. On that particular day the factory
18 was closed. So I went in and did most of my work.
19 And I told Mr. Frank that I would have to leave a
20 little early because I wanted to meet my mother. She
21 was going to buy a hat up there at Peachtree and
22 Whitehall at the viaduct. So he said, "Go right
23 ahead." I said, "I will probably come back if I
24 don't meet her and do my -- finish my filing."

25 So I went to meet my mother, which

1 probably took 30 or 40 minutes; and she wasn't there. 30
2 Then I came back to the office, and the door was
3 still unlocked. So I opened the door and walked in.
4 And I --

5 Q. What time was that; do you recollect?

6 A. I think that was a little after 12:00, a
7 few minutes after 12:00.

8 Then I looked to the right; and there was
9 Jim Conley with a girl in his arm, and she was limp.

10 Q. Who was Jim Conley?

11 A. Jim Conley was a sweeper or the porter
12 you might call him or whatever you want to call him.
13 They called him the sweeper. But they called on him
14 to do other things.

15 Q. All right. Tell about Jim Conley. Is he
16 a white man or a black man?

17 A. No, he was a -- kind of a Melano. He
18 wasn't entirely black. No, he wasn't real black.

19 Q. But he is a Negro?

20 A. Yes. He looked around at me. He
21 couldn't reach me because the elevator was here, the
22 trap door was here, and I was over here probably 8
23 feet (indicating); and he couldn't reach me, so he
24 looked at me -- he reached out to pull me. He
25 reached out, and he couldn't reach me. He says, "If

1 probably took 30 or 40 minutes; and she wasn't there. 30
2 Then I came back to the office, and the door was
3 still unlocked. So I opened the door and walked in.
4 And I --

5 Q. What time was that; do you recollect?

6 A. I think that was a little after 12:00, a
7 few minutes after 12:00.

8 Then I looked to the right; and there was
9 Jim Conley with a girl in his arm, and she was limp.

10 Q. Who was Jim Conley?

11 A. Jim Conley was a sweeper or the porter
12 you might call him or whatever you want to call him.
13 They called him the sweeper. But they called on him
14 to do other things.

15 Q. All right. Tell about Jim Conley. Is he
16 a white man or a black man?

17 A. No, he was a -- kind of a Melano. He
18 wasn't entirely black. No, he wasn't real black.

19 Q. But he is a Negro?

20 A. Yes. He looked around at me. He
21 couldn't reach me because the elevator was here, the
22 trap door was here, and I was over here probably 8
23 feet (indicating); and he couldn't reach me, so he
24 looked at me -- he reached out to pull me. He
25 reached out, and he couldn't reach me. He says, "If

1 you tell anything about this, I'll kill you." I took
2 a couple steps up, and I saw the door was locked or
3 shut; and I didn't go on up. So I turned around and
4 went out the door and went home.

5 Jim Conley was drinking that morning when
6 I went in under the steps. That's the place he
7 always sits. Under the steps.

8 Q. When you say Jim Conley that morning, you
9 mean before this?

10 A. That's before that happened.

11 Q. So let's be clear about that. Let the
12 record show that on my right that Mr. Wing is of the
13 State Pardons and Paroles Board is sitting right here
14 next to Mr. Mann. And I want you to look at Mr. Wing.
15 Now, he is the man we are addressing. I want you to
16 explain to Mr. Wing who is sitting right here looking
17 at you. You got to work that morning; and you saw
18 Mr. Conley, a black man --

19 A. Under the steps.

20 Q. -- under the steps.

21 A. In his chair.

22 Q. And was he drinking?

23 A. Apparently he was to me.

24 Q. Did you have a conversation with him?

25 A. No. I just walked right on. Oh, he

1 you tell anything about this, I'll kill you." I took
2 a couple steps up, and I saw the door was locked or
3 shut; and I didn't go on up. So I turned around and
4 went out the door and went home.

5 Jim Conley was drinking that morning when
6 I went in under the steps. That's the place he
7 always sits. Under the steps.

8 Q. When you say Jim Conley that morning, you
9 mean before this?

10 A. That's before that happened.

11 Q. So let's be clear about that. Let the
12 record show that on my right that Mr. Wing is of the
13 State Pardons and Paroles Board is sitting right here
14 next to Mr. Mann. And I want you to look at Mr. Wing.
15 Now, he is the man we are addressing. I want you to
16 explain to Mr. Wing who is sitting right here looking
17 at you. You got to work that morning; and you saw
18 Mr. Conley, a black man --

19 A. Under the steps.

20 Q. -- under the steps.

21 A. In his chair.

22 Q. And was he drinking?

23 A. Apparently he was to me.

24 Q. Did you have a conversation with him?

25 A. No. I just walked right on. Oh, he

1 asked me for some money to buy beer. He did. He
2 asked me for money to buy beer.

3 Q. Had he ever asked you --

4 A. I told him I didn't have any money.

5 Q. Had he ever asked you for money before?

6 A. Oh, yes. I'd loaned him money before,
7 but he never paid me back.

8 Q. So you had had a business relationship
9 with him, so to speak, in the sense that you, a
10 14-year-old boy, you had loaned him some money.

11 A. And he never paid me back. So I told him
12 I didn't have any money, which I did have some money.

13 Q. You had grown tired of lending money to
14 him?

15 A. That's exactly right.

16 Q. And did -- and you had some money. Do
17 you remember how much money you had?

18 A. I think a half a dollar or something like
19 that.

20 Q. And he wanted to borrow how much?

21 A. He wanted to borrow some money to buy
22 some beer. He didn't say how much.

23 Q. You knew that -- did he tell you he
24 wanted to buy beer with it?

25 A. I think he said he wanted a dime.

1 asked me for some money to buy beer. He did. He
2 asked me for money to buy beer.

3 Q. Had he ever asked you --

4 A. I told him I didn't have any money.

5 Q. Had he ever asked you for money before?

6 A. Oh, yes. I'd loaned him money before,
7 but he never paid me back.

8 Q. So you had had a business relationship
9 with him, so to speak, in the sense that you, a
10 14-year-old boy, you had loaned him some money.

11 A. And he never paid me back. So I told him
12 I didn't have any money, which I did have some money.

13 Q. You had grown tired of lending money to
14 him?

15 A. That's exactly right.

16 Q. And did -- and you had some money. Do
17 you remember how much money you had?

18 A. I think a half a dollar or something like
19 that.

20 Q. And he wanted to borrow how much?

21 A. He wanted to borrow some money to buy
22 some beer. He didn't say how much.

23 Q. You knew that -- did he tell you he
24 wanted to buy beer with it?

25 A. I think he said he wanted a dime.

1 Q. What?

2 A. I think he said he wanted 10 cents.

3 Q. Wanted 10 cents.

4 A. I am sure of that.

5 Q. And did he say he wanted to buy some beer,
6 or did you just infer that?

7 A. No, he just said he wanted to borrow 10
8 cents.

9 Q. But you knew -- you knew something about
10 him, and you knew him to be a person who did drink.
11 Had you ever seen him drinking beer?

12 A. Yes, I've seen him drinking beer, and
13 I've seen him drunk.

14 Q. I see. So when he asked you for the 10
15 cents that morning, you sort of fought him off and
16 changed the subject and left him so as to not to get
17 involved.

18 A. I refused.

19 Q. Now, there appears on page 10 of this
20 section of the Nashville Tennessean newspaper a
21 square that has a headline that says, "The 10 cent
22 Fib." It says, "Lonnie Mann's story has the ring of
23 truth, and sometimes small elements of his account
24 elicit this well.

25 "For example, Mann says today that

1 although he had money on him that Saturday morning - 34
2 April 26, 1913 - when Jim Conley asked to borrow a
3 dime, he lied and told Conley he was broke.

4 "Mann explained that Conley had borrowed
5 money from him in the past and had failed to repay.
6 The office boy did not want to lose any more money to
7 the factory sweeper.

8 "An article published in 1914 by W. E.
9 Thompson of Atlanta entitled A Short Review of the
10 Frank Case, says Conley 'borrowed money from many of
11 the white people and would not pay them. He swears
12 he owed many and when payday came, he sometimes got
13 another Negro to get his pay envelope and slip it to
14 him outside to keep from paying his debts.

15 "When he got it himself, he says he
16 slipped downstairs and down that scuttle hole and out
17 at the back basement door."

18 A. That's right.

19 Q. So that purports to be an article in the
20 Nashville Tennessean about you lending -- about you
21 having some money in your pocket and this man wanted
22 to borrow a dime from you; and you are saying that is
23 true?

24 A. That is correct.

25 Q. And you told again today precisely what

1 you told to the newspaper.

2 A. That's correct.

3 Q. Now, you say that you saw Mr. Conley --
4 you saw Mr. Conley, the black man, that morning; and
5 he was drinking beer, and you thought apparently
6 drunk, or at least on the way to being drunk, at
7 least he showed some evidence of having drunk some
8 beer.

9 A. That's true.

10 Q. And you declined to lend him money. Now,
11 you saw him again the same day.

12 A. When I came back, he had the girl in his
13 arms.

14 Q. Now, that -- the girl, do you recollect
15 that as being the girl that was murdered, Mary Phagan?

16 A. No, I didn't know it was Mary Phagan. I
17 just know it was a young girl.

18 Q. But now you know that that was --

19 A. Now I know since they found Mary Phagan
20 dead.

21 Q. And you have -- you have told again, for
22 the purpose of this testimony you have reiterated in
23 substance what you have said here in your affidavit
24 concerning the matter. And let me read that to you
25 so we can get what you have just said. Which you

1 said without any notes and without reading, you have ³⁶
2 just given another account of this matter; and you
3 previously gave the account that appears in the
4 affidavit, and for the sake of the record let me read
5 regarding what you said there.

6 You said, "When I had left the company
7 premises just before noon, Mary Phagan had not come
8 to collect her pay. When I left the building, down
9 the stairs and out the first floor door, Jim Conley,
10 the janitor, was sitting where I had seen him when I
11 came to work in the darkened area of the stairwell.

12 "I walked to the point where I was
13 supposed to meet my mother. It was a short distance -
14 perhaps a block and a half. We had agreed to meet in
15 front of a store on Whitehall Street. My memory is
16 that my mother had planned to buy a hat that day. I
17 stopped and bought a hotdog on the way to meet her.
18 However, when I arrived, she was not there. She had
19 told me that if she was unable to come, for me not to
20 worry. I waited for her for a few minutes. Since I
21 didn't care much about seeing the parade, I went back
22 to work.

23 "I can't be sure as to exactly how long I
24 was gone, but it could not have been more than a half
25 hour before I got back to the pencil factory.

1 "I had no idea that I was about to
2 witness an important moment in a famous murder case -
3 a moment that has not been made public until now:
4 That I was about to become a witness to tragic
5 history.

6 "I walked into the building by the front
7 door."

8 A. That's correct.

9 Q. "Inside the door, I walked towards the
10 stairwell."

11 A. That's correct.

12 Q. "I looked to my right and I was
13 confronted by a scene I will remember vividly until
14 the day I die."

15 A. That is certainly correct.

16 Q. "Jim Conley was standing between the
17 trapdoor that led to the basement and the elevator
18 shaft."

19 A. That's what -- that's what happened.

20 Q. "I have an impression that the trapdoor
21 was partially open, but my eyes were fixed on Jim
22 Conley."

23 A. Yes.

24 Q. "He had the body of Mary Phagan in his
25 arms."

1 A. Yes. He had a body of a young lady in
2 his arms.

3 Q. "I didn't know it was Mary Phagan. I
4 only knew it was a girl.

5 A. Yes.

6 Q. "At that moment I couldn't tell if she
7 was alive."

8 A. That is correct.

9 Q. "She appeared to be unconscious, or
10 perhaps dead."

11 A. That is right.

12 Q. "I saw no blood."

13 A. That's correct.

14 Q. "He was holding her with both arms
15 gripping her around the waist."

16 A. Yes.

17 Q. "I can't remember the color of her
18 clothes but I have an impression that she had on
19 pretty, clean clothes."

20 A. Yes, she did.

21 Q. "She was extremely short and her head was
22 sort of on his shoulder, or over it."

23 A. Yes.

24 Q. "Her hair was streaming down his back."

25 A. Yes.

1 Q. "Her hair was not in braids when I saw 39
2 her. It was hanging loose. I saw no blood on the
3 part of her neck that was exposed. I do not know if
4 she was dead, but she was at least unconscious. She
5 was limp and did not move."

6 A. That is the way it happened.

7 Q. "Her skirt had come up to about her
8 knees."

9 A. Yes.

10 Q. "It was as I suddenly barged into the
11 first floor, prepared to go up the stairs to the
12 office, that I encountered Conley with the body of
13 Mary Phagan.

14 A. Yes.

15 Q. "Conley was close to the trapdoor that
16 led down to the basement by way of a ladder."

17 A. Yes.

18 Q. "I believe that from the direction he was
19 heading and the attitude of the body that he was
20 preparing to dump the body down the trapdoor."

21 A. Yes, I believe that.

22 Q. "I have no clear memory of whether the
23 elevator had stopped on that first floor -- "

24 A. No. The elevator hadn't stopped on that
25 floor as far as I could see.

1 Q. "-- but if it was not on that floor, the
2 shaft would have been open."

3 A. That's right.

4 Q. "He could have dumped her down the empty
5 elevator shaft."

6 A. No, he couldn't have if the elevator
7 wasn't --

8 Q. I understand, but the affidavit said he
9 could have dumped her down the elevator shaft.

10 "I believe for some reason Jim Conley
11 turned around towards me."

12 A. Yes.

13 Q. "He either heard my footsteps coming or
14 he sensed I was behind him."

15 A. Yes.

16 Q. "He wheeled on me and in a voice that was
17 low but threatening and frightening to me, he said, 'If
18 you ever mention this, I will kill you'."

19 A. And he reached out after me, but he
20 couldn't reach me.

21 Q. "I turned and took a step or two -
22 possibly three or four steps - up towards the second
23 floor, but I must have worried about whether the
24 office upstairs was closed. I did hear some movement
25 upstairs, but I can't be sure who was on the floors

1 above. I fearful that the office might be closed,
2 and so I turned back towards Conley. I wanted to get
3 out of there quick."

4 A. That statement is correct.

5 Q. "He got to within about 8 feet of me. He
6 reached out as if to put one arm or hand on me. I
7 ran out of the front door and raced away from the
8 building."

9 A. That is correct.

10 Q. "I went straight home. I rode the
11 streetcar."

12 A. That did happen.

13 Q. So you are now reiterating for the
14 purpose of this testimony exactly, precisely what you
15 told the Tennessean in affidavit form and which
16 affidavit appears in the Tennessean newspaper?

17 A. All of that is true. That whole story is
18 true.

19 Q. Now, Mr. Mann, when you got home, can
20 you -- you are a 14-year-old boy. And you had,
21 according to your now testimony, on that fateful day
22 had witnessed what you saw, Jim Conley with Mary
23 Phagan in his arms. What did you tell your mother
24 about that?

25 A. I told my mother when I got into the

1 house what had happened; and she, of course, says,
2 "Don't say anything about it, and we will wait and
3 see how it comes out." So the next morning they find
4 Mary Phagan; and the next morning my mother says,
5 "Don't say anything about it because we don't want to
6 get involved in it." She talked to my father, and he
7 told me the same thing. He said, "We won't get
8 involved in it unless we have to."

9 Q. You remember that clearly today. I mean
10 at this very minute as you are looking here at a
11 member of the board, Mr. Wing, you are now telling
12 that you today recollect that at this very moment
13 what took place.

14 A. I certainly do. It isn't hard to
15 remember.

16 Q. And that is after you got home -- were
17 you scared?

18 A. Well, I was nervous. I guess I was
19 scared.

20 Q. And you saw your mother, and you told her
21 that you had seen this black man holding this young
22 girl -- white girl in his arms and what had happened.

23 A. And she said, "Say nothing." She talked
24 to my father, and he said the same thing.

25 Q. Now, when she first told you that, she

1 didn't know whether the girl was dead or not dead.

2 A. That's correct.

3 Q. Because you didn't know whether the girl
4 was dead or not dead.

5 A. That is correct.

6 Q. And you didn't tell her on that occasion
7 that the girl was dead.

8 A. No, because I didn't know it. I didn't
9 know until the next day.

10 Q. But she told you on that occasion,
11 without regard to whether Mary Phagan was dead or not
12 dead, she told you, "Look, don't tell this to
13 anybody."

14 A. That is what she said.

15 Q. Now, did she tell you to tell a lie to
16 anybody or misrepresent it? What did she say?
17 Suppose somebody had come to you and asked you about
18 it.

19 A. She said, "Just answer the questions they
20 ask you to answer."

21 Q. She did not told you to lie.

22 A. No.

23 Q. She simply told you not to volunteer or
24 tell anybody anything you weren't asked.

25 A. That is correct.

1 Q. And your testimony is that she then went
2 further and said, "But if somebody does ask you, then
3 you tell them the truth."

4 A. Well, later on she said, "If anybody asks
5 you exactly what happened, you tell them the truth."

6 Q. So when you had your conversations with
7 the detectives and with the police and with the
8 prosecuting attorneys and with the lawyers for the
9 defense, you had -- nobody ever asked you --

10 A. No one ever asked me.

11 Q. Did you ever have any conversation with
12 Mr. Leo Frank in which you told him?

13 A. Before they arrested Mr. Frank, he did
14 come to me and say one or two words. I don't exactly
15 remember what they was; but he said, "I feel uneasy."

16 Q. But you did not discuss with him --

17 A. No, we didn't go into it. He did tell me
18 he felt uneasy.

19 Q. And you liked Mr. Frank?

20 A. I liked him very much.

21 Q. And he, as far as you had known, had been
22 a good employer; and everything you knew about him
23 was favorable.

24 A. He was a good employer, and his wife
25 was --

1 Q. I believe there had been testimony in the
2 trial, or subsequently there was testimony in the
3 trial, trying to indicate that Mr. Frank had drank
4 whiskey and that Mr. Frank had women come to his
5 office and so forth.

6 A. None of that is true. They were all lies,
7 every bit of it. I kept the office straight. I know.
8 There wasn't any beer cans or whiskey cans, no
9 nothing to show signs of anything wrong; and I never
10 saw Mr. Frank put his hand on a person. I never saw
11 him stop and talk to women. He was strictly business.
12 If he told you to do something, if you didn't do it,
13 he reminded you of it. If you didn't do it right, he
14 would tell you about it; but he was nice about it.

15 Q. And he was indicted for murder?

16 A. Yes.

17 Q. Now, why didn't you tell the police about
18 this or tell Mr. Frank about it or tell the lawyers
19 about it? You had seen something, you were 14 years
20 old; and what is your testimony as to why you did not
21 tell anybody about what you have now sworn to in this
22 affidavit?

23 A. My mother and father told me not to get
24 mixed up in it.

25 Q. And you respected your mother and father.

1 A. I certainly did. When we go on further,
2 there was such a mob at the trial -- of course, we
3 will wait for you to get to that.

4 Q. Well, go on now, in your own words.

5 A. When I went to court, my mother says,
6 "Don't answer anything except the questions that are
7 asked you." When I went in the courthouse, there was
8 at least 500 people on the street; and they were
9 saying to each other, "Kill the Jew. Kill the Jew."
10 And they had some there -- some had pistols. Some
11 had knives. They were crazy. So I went in, and I
12 was afraid. So when I went in and got on the stand,
13 I just answered the questions they told me to. I was
14 afraid to say about everything because I was afraid
15 of the crowd outside. And I did what my mother and
16 father told me to.

17 (A recess was taken).

18 Q. (BY MR. HOOKER) Mr. Mann, I only have
19 one further question. And then after you answer this,
20 then I would like for you to then answer the
21 questions of anybody else in this room who wants to
22 ask you questions.

23 A. I certainly will.

24 Q. But you have testified now on the record
25 in front of this video and audio equipment so that

1 your testimony is going to be perpetuated about the
2 things that you know concerning that fateful day,
3 April 26, 1913 --

4 A. That is correct.

5 Q. -- and you have given your testimony
6 about that.

7 A. Yes, indeed.

8 Q. And this is April the 11th, 1982.
9 November the 11th, 1982 -- November the 10th, 1982.
10 My name is John Jay Hooker, and I am in Atlanta,
11 Georgia. November 10th, 1982. And here we are in
12 Atlanta, Georgia; and you have given the testimony
13 about that April 26th date, 1913, and the surrounding
14 circumstances.

15 After this, Mr. Mann, after the time of
16 this trial, you were just a boy 14 years old, many
17 years passed. I think you have told me, and I wish
18 you would say for the record -- I heard you tell
19 Jerry Thompson and Bob Sherborne about a 14-year-old
20 boy. In those days a 14-year-old boy had a
21 different --

22 A. May I say this: A 14-year-old boy in
23 1913 was just a child to their parents. Today it is
24 different. A 14-year-old boy today is almost a grown
25 man in ways, and sometimes he knows more than we do.

1 Q. But in 1913 as a boy living in that time,
2 you felt the responsibility to do precisely what your
3 mother and father told you to do.

4 A. I certainly did.

5 Q. Which, if I may paraphrase -- if I
6 overstate this or if I am leading you in any way or
7 misstating it, then you correct me. But as I
8 understand what you are saying is, that you did
9 precisely what they told you to do, which was, one,
10 to tell nobody what you saw.

11 A. Unless I was asked.

12 Q. Unless you were asked, and then tell the
13 truth.

14 A. Yes, sir.

15 Q. Now, nobody asked you; and, therefore,
16 you followed the instructions of your mother and
17 father, and you didn't tell anybody.

18 A. Yes. That's the way it was.

19 Q. At the time of the trial. Now, after
20 that you did -- as you grew up, you did then begin to
21 discuss the Leo Frank case with people through the
22 years.

23 A. I discussed it with many people.

24 Q. Now I wish for the sake of this record
25 that you would right here in the presence of Mr. Wing,

1 a member of the board of the Georgia Pardons and
2 Paroles Board, I wish for his benefit that you would
3 tell what took place over the years regarding you and
4 the Frank case; in other words, here we are in
5 November of 1982, and you have given this testimony
6 on the record. You understand you are doing that in
7 a situation in which the Defamation League and others
8 have made application for a posthumous pardon for Mr.
9 Leo Frank. You have come forward at your age and
10 place in life and given this testimony; and you have
11 given it here before this tape recorder and video
12 machine so that it can be perpetuated. You come here
13 in pursuit of a pardon for Leo Frank.

14 A. That is right.

15 Q. Now, explain what happened between the
16 time of your boyhood and now as to why you come
17 forward now and what you tried to do during the years
18 about coming forward and so as the people can
19 understand why you are a man 84 years old are here
20 today for the purpose you are here. Explain that in
21 your own words.

22 A. Many times I tried to tell people about
23 this. I never tried to tell the newspaper; but I did
24 try to tell one newspaper, and they wouldn't listen
25 to me. So I tried to tell a lawyer at one time, and

1 he wouldn't listen to me; and I told other people,
2 but I never went to a newspaper but once to get the
3 news correctly -- to get it right. So finally the
4 Tennessean came to me, and I --

5 Q. Let's go at a slower pace. Did you at
6 one time have a fight with somebody about this?

7 A. Oh, yes. In the Army I was -- a young
8 man named Spencer was in the Army with me, and he was
9 discussing the Leo Frank case; and he told me that
10 Leo Frank killed the girl, and I said, "He did not
11 kill the girl." And I said something -- a few more
12 words how true it was that he didn't; and he cussed
13 me out, and we got in a fight. But I was pretty
14 healthy there. I think I whipped him.

15 Q. So you were keeping -- you followed your
16 mother and father's instruction.

17 A. Yes.

18 Q. But as you grew to be a grown man, you
19 always acknowledged what you are now acknowledging,
20 and that is that you saw something on that fateful
21 morning that made you convinced that Leo Frank did
22 not kill this young lady.

23 A. That is correct. I have witness to that.

24 Q. And you have throughout your life,
25 throughout these ensuing 70 years --

1 A. I never tried to keep it hid.

2 Q. Never concealed it from anybody.

3 A. No, I said it.

4 Q. Now, you say you had a discussion with a
5 newspaper about that.

6 A. I did. It was in Florida. I told him
7 everything. He ate with me in one of my restaurants.
8 He ate with me, and I told him everything in detail;
9 and he went back there and reported it to the office.
10 He is dead now.

11 Q. And what did he say to you as to why he
12 wasn't going to write it?

13 A. He said he would have to report it to
14 higher up because Mrs. Frank was living at that time.

15 Q. And the newspaper decided -- did he tell
16 you why the newspaper was --

17 A. Yes. He said the newspaper he didn't
18 think would print it because Mrs. Frank was still
19 living, and they didn't want to bring it back up
20 again.

21 Q. Because it might make her unhappy or
22 reopen old wounds and that sort of thing.

23 A. I am sure that was the reason; but he
24 died later on, and he was a reporter.

25 Q. You were telling him for the purpose of

1 getting it out in public at that time.

2 A. That is exactly the reason I told him.

3 Q. And that was unsuccessful.

4 A. Yes. Very unsuccessful.

5 Q. Now, then, I think you testified earlier
6 that you read the book of Harry Golden concerning --
7 about the girl who slipped.

8 A. I read about 40 pages of it.

9 Q. And then that made you determine one more
10 time to go and try to get it made public.

11 A. That's correct. And the more I read the
12 book, the more lies that was in it. Of course, now I
13 don't know who gathered up this story altogether. I
14 guess he had many. But I made notes in the book.

15 Q. And then it just so happened by fate that
16 your nephew happened to work for Jerry Thompson of
17 the Nashville Tennessean.

18 A. That's correct. And he said I know --

19 Q. And really your nephew is the one
20 responsible for contacting Jerry Thompson, and Jerry
21 Thompson is responsible for getting the newspaper to
22 agree to publish what you say took place.

23 A. Yes, and I was grateful for that. I am
24 still grateful.

25 Q. Why did you -- and for the record, if you

1 would, tell Mr. Wing here and Mr. Silas Moore of the
2 Georgia Pardons and Paroles Board, why are you so
3 intent upon getting this matter public and on the
4 record?

5 A. I have always wanted it on the record,
6 but I couldn't get no one to listen to me. Everyone
7 I would tell passed it off. They didn't say anything;
8 and they didn't say they didn't agree, they didn't
9 say they did agree. They just paid no attention to
10 me. I even talked to a lawyer one time, a lawyer
11 that was fixing to graduate; and I told him if he
12 would take my story and do something with it, that it
13 would help him get started. He paid no attention to
14 me.

15 Q. Did you worry about -- when you started
16 having your conversations with Mr. Thompson and it
17 became apparent to you that Mr. Thompson was
18 intensely interested, I guess it is fair to say that
19 when you -- when Mr. Sherborne and Mr. Thompson came
20 to see you, you were aware that at long last you had
21 found somebody who was interested and intensely
22 interested in your story.

23 A. I was glad to know that.

24 Q. And they were greatly interested in it.

25 A. Yes, they was.

1 Q. Once you learned that, then you decided
2 to be cooperative with them and submit yourself to
3 lie detector tests or whatever was necessary so that
4 you could convince them of the truth of what you were
5 saying.

6 A. That is exactly right.

7 Q. And did they make it clear to you that
8 they wouldn't print what you said unless they could
9 try to verify it and had some confidence in the truth
10 of it?

11 A. No. We didn't go into that. We just
12 went through the story.

13 Q. Went through the story. But they did
14 tell you that they wanted you to take a lie detector
15 test to find out whether you were telling the truth?

16 A. Yes. And then they told me they were
17 going to print it, but I had no idea it would be ten
18 pages. I just thought it would be a little notation.

19 Q. And you did know they were trying to be
20 sure what they printed was accurate. They didn't
21 just want to take some prank and print something
22 that --

23 A. That's the only way I wanted it, was the
24 truth from the beginning. I wanted the truth,
25 nothing but the truth.

1 Q. Apparently they did, too.

2 A. That's right. They asked me nothing that
3 wasn't. They asked me to tell the truth.

4 Q. The Tennessean asked you that? What did
5 they say to you about that?

6 A. Well, Jerry and Tom told me to tell the
7 truth.

8 Q. Jerry Thompson and Bob Sherborne.

9 A. Yes. And I told the truth about
10 everything, and the paper is the truth. That's one
11 piece of news that told the truth. I don't know
12 about all papers, but that is the truth.

13 Q. Now, did you talk to members of a -- to
14 your preacher or to -- when you got ready to -- when
15 you knew was going to become public, what did you do
16 about that?

17 A. I gave my preacher one of the papers, and
18 he read it; and he seemed to think that I was right.
19 In fact, he did think I was right. I gave it to my
20 choir director, and he agreed that I was right. I
21 gave it to several other members of the church, and
22 they all praised me for it. No one has ever
23 condemned me for it. I gave out about 50 papers.

24 Q. What were you afraid they would condemn
25 you for?

1 A. Well, because they wondered why I didn't
2 tell it before. That was all, just that one reason.
3 But I did tell it before, but I couldn't get anyone
4 to listen.

5 Q. So you have satisfied your own soul first
6 on the proposition that you did what your mother and
7 father asked to you do at the time of the trial.

8 A. And I perfectly permanent satisfied, and
9 I feel like I was right in everything I did; but it
10 did worry me during the years.

11 Q. And you wanted before you died and met
12 your maker, you wanted to set the record straight in
13 the matter of Leo Frank.

14 A. I think that was the proper thing to do,
15 and I still feel right over it; but I didn't know it
16 would happen. I didn't know that I could ever tell
17 it all or not. And I am still glad that I told it
18 all.

19 Q. Did you have any purpose, other than the
20 purpose of getting the record straight, of coming
21 forward with this story?

22 A. There was no promises involved. There
23 was no money involved. And today there hasn't been
24 any money involved in my story -- about my story. I
25 mean about what I told them. Jerry Thompson and Bob

1 Sherborne, I told them from now on to have it
2 completed and do what they want to with it.

3 Q. I understand.

4 MR. HOOKER: All right, ladies and
5 gentlemen. That concludes my part of it. I am Mr.
6 Mann's lawyer. I wanted him to say on the record and
7 in the presence of Mr. Wing and Mr. Moore what he has
8 said; and I think we have some time left, and Mr.
9 Schwartz -- maybe some others have some questions.
10 So if you just ask Mr. Mann whatever you want.

11 This is Mr. Dale Schwartz whose name
12 appears in the record already. Go ahead, Mr.
13 Schwartz.

14 EXAMINATION

15 BY MR. SCHWARTZ:

16 Q. Thank you very much, Mr. Hooker. My name
17 is Dale Schwartz, Mr. Mann. I believe we met last
18 night for the first time.

19 A. We met one time.

20 Q. All right. You understand that I am an
21 attorney, and I represent the organizations here in
22 Atlanta, that is, the Anti-defamation League and the
23 American Jewish Committee and the National Jewish
24 Federation who have petitioned the Georgia Pardons
25 and Paroles Board for a posthumous pardon for Leo

1 Frank. You understand that I am their attorney.

38

2 A. I will agree with you.

3 Q. Thank you. Mr. Mann, first let me ask
4 you just a few questions. Do you have any kind of
5 relationship or connection at all with any of the
6 organizations that I represent whose names I just
7 mentioned to you?

8 A. I have no connection with them at all.

9 Q. You are not a member of any of those
10 organizations?

11 A. No. I don't even know them.

12 Q. You never had any dealings with them?

13 A. You are the only one I know.

14 Q. I think you already testified that nobody
15 had offered to pay you anything for your testimony.

16 A. Nobody offered me anything or given me
17 anything.

18 Q. No promises or award or anything like
19 that to come forward with this story now.

20 A. That is correct.

21 Q. Mr. Mann, let me take you back again for
22 a few moments if I could to 1913, to April 26. Could
23 you describe for us Jim Conley? I know you already
24 told us that he was a black man who had light skin,
25 but can you describe his physical appearance to us?

1 A. His physical appearance, he was short,
2 chunky, healthy looking, stout, and mean, and drank.

3 Q. Had you had any run-ins with him?

4 A. No, I had never had a run-in with him.

5 Q. You said he was mean?

6 A. The only run-in I had with Jim Conley is
7 he asked me for money, and I wouldn't give it to him.

8 Q. You described Mr. Conley as being mean.
9 Can you tell us how you know he was mean?

10 A. He was mean because he was drinking, and
11 he borrowed money from different people, and they
12 didn't like him; but I never did see him hurt anyone.

13 Q. Were you afraid of Mr. Conley?

14 A. Well, I was afraid after he told me he
15 would kill me, because he could have.

16 Q. But prior to that time, would you have
17 had any reason to be afraid of him?

18 A. Oh, no. I never had any dealings with
19 him at all except in money matters. That day he
20 asked me for money, and I turned him down.

21 Q. Can you tell us what Mr. Conley's
22 reputation was in and around the pencil factory?

23 A. His reputation in the factory was bad.
24 As a bad Negro.

25 Q. In what way was it bad?

1 A. Well, they didn't like his style. They ^{6b}
2 didn't like the things he did. And he wasn't too
3 nice to people.

4 Q. Was he often drunk on the job?

5 A. He was smart. He had a lot of sense, but
6 it was the wrong kind of sense.

7 Q. Did you know from your own knowledge
8 whether or not Mr. Conley could read and write?

9 A. Well, to my knowledge Conley could read
10 and write because I have seen him with a pencil and
11 paper; but I didn't see him write.

12 Q. All right. Okay. Now, when you saw Jim
13 Conley and you ran out into the street after you saw
14 Conley with the body of a young girl that he was
15 carrying in the pencil factory, were you scared at
16 that moment, Mr. Mann?

17 A. Yes, because if had gotten his hand on me,
18 he could have dropped the girl and killed me first.
19 I had that much sense.

20 Q. If you were scared at that time, would
21 you tell us were there any people out on the street
22 when you ran out the front door of the pencil factory?

23 A. People just walking up and down. I
24 didn't run out. I just got out quickly.

25 Q. Did you holler for help, or did you ask

1 anybody to help you?

2 A. I did not.

3 Q. Can you explain why you didn't? It seems
4 like a young boy 14 years old who had seen something
5 like that would have been kind of scared and maybe
6 going to holler for help.

7 A. Well, I thought perhaps they would take
8 me back in the building, and it would just cause more
9 problems.

10 Q. You didn't want to cause any trouble; is
11 that what you said?

12 A. I didn't want to get back into it. I
13 wanted to get out of it. I was scared.

14 Q. What did you do? Did you jump on a
15 streetcar and go home?

16 A. No. I went up to Whitehall Street and
17 caught the streetcar home and went to Westend. It
18 cost a nickel.

19 Q. Now, after you got home and discussed
20 this matter with your mother, did you and your
21 mother -- after Leo Frank was indicted, did you have
22 any opinion as to whether or not Leo Frank would be
23 found guilty of this crime?

24 A. We didn't know, and my father and mother
25 said they didn't see how he could be proven guilty.

1 I heard them say that. 62

2 Q. Is that perhaps another reason why you
3 didn't bother to come forward with your story?

4 A. That is one of the reasons, and the other
5 reason is because they told me not to say anything
6 unless they asked me.

7 Q. But after Leo Frank was found guilty,
8 were you and your mother and father surprised?

9 A. After Leo Frank was found guilty, my
10 father and mother still thought that it was wrong and
11 he would be acquitted.

12 Q. On appeal or something like that?

13 A. They didn't think he would be sentenced.
14 They thought the trial would work out the way he
15 would be acquitted.

16 Q. Did you have any plan that if he wasn't
17 acquitted ultimately, did you have any plan to come
18 forward and tell your story at that time?

19 A. We didn't think that far ahead. My
20 father and mother -- I heard my father say to the
21 next door neighbors, "They will acquit Frank." He
22 said, "They won't convict him." That was -- that's
23 the way it was.

24 Q. Mr. Mann, tell us what was significant
25 about your seeing Jim Conley carry this young girl's

1 body through the pencil factory. How is that a
2 significant factor in the Leo Frank case?

3 A. I felt like that he had done something to
4 the girl, and I didn't know whether she was dead or
5 alive. I didn't know it was Mary Phagan. I didn't
6 know what had happened; but when he said he would
7 kill me, and I knew if he got his hands on me he
8 would, I was glad to get away.

9 Q. Was the only day that you were in court
10 the day that you testified in the Leo Frank case?

11 A. That is correct -- no. I stayed around
12 the courthouse several times and heard different
13 people talk.

14 Q. During this trial you mean?

15 A. Oh, yes.

16 Q. Were you ever in the courtroom and hear
17 anybody else's testimony?

18 A. I was in the courtroom one time. That
19 was when I was on the stand.

20 Q. So you didn't get an opportunity to hear
21 Jim Conley's testimony, did you?

22 A. No. I didn't hear his time around.

23 Q. Did your folks buy newspapers and follow
24 the trial?

25 A. I bought newspapers and looked at the

1 headlines.

2 Q. And, of course, you could read those
3 papers at that time in your life?

4 A. Oh, yes. Yes, I could read.

5 Q. And you followed Jim Conley's testimony
6 through the trial. He was on the stand for quite
7 some time, as I recall?

8 A. Most of it. I think I read most of it.

9 Q. All right. Now, if that's the case, then
10 you undoubtedly knew that Jim Conley testified that
11 he and Leo Frank dragged the body of this little girl
12 to an elevator and took it down into the basement of
13 the building.

14 A. Jim Conley, a man as strong as he was, was
15 the only one who could handle the girl. A weak
16 person couldn't pick her up.

17 Q. I thought you said she was very small.

18 A. Well, he picked her -- oh, he could
19 handle her, yes.

20 Q. Are you implying that Leo Frank --

21 A. I am saying a weak person -- a small
22 person couldn't handle the girl.

23 Q. But I think his testimony was that they
24 went from an upstairs floor down to the basement on
25 the elevator with the body.

1 A. No, I don't think they did. I think the 65
2 trapdoor was waiting for Jim Conley to throw her down.
3 Q. And so that is the significance, is it
4 not, of your having seen Jim Conley carry this little
5 girl's body across the main floor of the building,
6 the street level floor is that --
7 A. He was -- here's the drive, the road. It
8 has a -- the hallway to the steps. The elevator is
9 over here. The trapdoor is here, and it is about 8
10 feet across. And the steps are here, and he was
11 standing between the elevator and the trapdoor with
12 the girl in his arms (indicating).
13 Q. Which would imply that he did not take
14 her down to the basement on the elevator that day.
15 A. No. I think he took her down through the
16 shaft or lifted her to the shaft.
17 Q. Now, in court, Mr. Mann, how long were
18 you actually on the witness stand answering questions;
19 do you recall?
20 A. I wouldn't say over three or four minutes.
21 Q. And were you excused as a witness at that
22 point?
23 A. Beg your pardon?
24 Q. Were you excused as a witness? Did they
25 tell you you could leave?

1 A. Oh, yes. They came to me and accused me ^{66p}
2 and said I seemed to be too much excited, and I was
3 too young, and I didn't have anything of value.

4 Q. So did the Judge excuse you --

5 A. The lawyers put their heads together and
6 talked.

7 Q. Mr. Frank's lawyers, that is?

8 A. His lawyers and also the --

9 Q. Also the prosecutor?

10 A. All lawyers.

11 Q. They conferred, and they decided that you
12 were too young or too upset about it?

13 A. That's right. My testimony was no good.

14 Q. All right. And at that point they
15 excused you then. Now, could you tell us how you
16 have felt personally throughout all these many years,
17 almost 70 years since the trial, about the fact that
18 you didn't get a chance to tell your story and
19 testify?

20 A. I had many reasons to feel bad about it.
21 But I knew if I had gone through with the things that
22 y'all were -- most people think I should have done, I
23 could have been killed by the mob or either by Jim
24 Conley, and they could have killed Frank. They could
25 have lynched him right there in Atlanta, and I didn't

1 -- certainly didn't want to lose my life or get into 24
2 it. But all the years that I went through and
3 knowing it, I did mention it to many people to get
4 some of it out of my heart.

5 Q. I think you had said earlier, Mr. Mann,
6 that there were some 500 people outside the
7 courthouse --

8 A. At least that many.

9 Q. During the trial.

10 A. You could hear them mumbling, "Kill the
11 Jew."

12 Q. Did they actually shout that? Could you
13 hear them inside the courtroom? Could the jury --

14 A. No, inside the courtroom was quite.

15 Q. Were there people in the courtroom who,
16 as far as you knew, held that same attitude or
17 opinion?

18 A. I imagine a good many of them did. Back
19 in those days the Jewish people wasn't thought much
20 of in Atlanta. That was in the early years. And
21 they were coming in and going into business and
22 opened up business shops; and the public didn't like
23 it. They wanted the business for themselves.

24 Q. So it was sort of an economic resentment
25 of them?

1 A. That's right. That's correct. Right now
2 it would be taken different today.

3 Q. We would all hope so, anyway.

4 A. No. Today they would figure if Jewish
5 people came here and spent a lot of money, it would
6 help our town; but in those days it was different.
7 But I always got along with Jewish people because I'm
8 part Irish.

9 Q. Did you know that Mr. Frank was Jewish
10 when you were working for him?

11 A. Oh, yes, I knew he was Jewish.

12 Q. That didn't bother you in any way, did it?

13 A. No, not in one way. We got along
14 wonderful. I get along with Jewish people. I always
15 get along with Jewish people.

16 Q. Do you recall what your salary was as
17 office boy there?

18 A. I made \$8 a week.

19 Q. \$8 a week?

20 A. And worked 12 hours a day.

21 Q. Had you dropped out of school to take
22 that --

23 A. Half a day on Saturday.

24 Q. You had dropped out of school to take
25 that job; is that correct?

1 A. Beg your pardon?

2 Q. Had you dropped out of school to take
3 that job?

4 A. No. I dropped out of school because I
5 crawled up the aisle one day, and the teacher made me
6 come up to the room and sit in a chair and look at
7 the blackboard; and she said, "You should be
8 whipped." But Miss Carlisle, I remember her well,
9 she said, "I can't whip you." She said, "I will call
10 the principal." So she called the principal; and
11 when the principal wanted to take me to the coat room
12 and whip me, I said, "No." So I went home.

13 Q. And you dropped out of school; is that
14 correct?

15 A. And dropped out of school. My mother
16 tried to get me to go back.

17 Q. You were about 14 years old when you
18 dropped out of school; is that right?

19 A. Yes.

20 Q. Did you ever have a chance to go back and
21 finish school?

22 A. No. But I took some correspondence
23 courses, and I learned as I went along. I did very
24 well in life. That didn't hold me back too much. A
25 man don't have to be too well educated to make a

1 success unless he's a lawyer or doctor or some
2 professional man. And I wasn't, but I did all right.

3 Q. Is there anything else now that you can
4 think of that you would like to tell us while we are
5 talking about this?

6 A. I don't know of anything else I can add
7 to the case.

8 Q. You feel that you have told everything
9 that you know?

10 A. I told everything I know, and I thought
11 that -- when I told it, I thought that would be just
12 a short story and it would be over with; but since
13 you want more, I am trying to give it to you.

14 Q. Okay. How do you feeling now that you
15 have finally had an opportunity to tell your story to
16 some folks that will listen to you?

17 A. I feel much better. I am glad it is over
18 with, but I will never forget it. I will never
19 forget it; and I hope that Leo Frank will get a
20 pardon, and I think it should be that way.

21 Q. Thank you very much.

22 MR. HOOKER: Thank you Mr. Schwartz. Now,
23 anybody -- I think, Mr. Wing, you and Mr. Moore -- we
24 are so happy to have you here, and the witness is
25 yours and you ask him anything you want to for any

1 length you want to.

2 EXAMINATION

3 BY MR. WING:

4 Q. Thank you. We are happy to be here and
5 appreciate you talking with us, Mr. Mann. Just a
6 couple of points I wanted to clear up.

7 A. Yes, sir.

8 Q. Now, at the factory the day you saw Jim
9 Conley holding the girl, he was between the trapdoor
10 and the elevator?

11 A. Well, here is the entrance right here
12 (indicating) --

13 Q. Yes, sir.

14 A. -- on the right, but the steps are on the
15 left. So you go in, and the elevator is here, and
16 the trapdoor is here, and the steps are over here,
17 upstairs. In other words, this is the entrance.
18 Over to the right is the elevator and the trapdoor,
19 and right in front of the elevator and trapdoor is
20 stairs, and you begin at the stairs after you step
21 into the door, 2 feet; so that's the way it was
22 located (indicating).

23 Q. Okay. Could he have come to that floor
24 from upstairs through either coming down the stairs
25 or the elevator?

1 A. I don't know how he got downstairs. I 72
2 really don't. I just know he was on the first floor.
3 I never thought too much about that. He could have
4 brought her down the steps because he was a strong
5 Negro.

6 Q. From what you saw, it couldn't indicate
7 either way?

8 A. If he came down in the elevator, he must
9 have pushed it back -- he must of let it go back up.
10 The elevator was not there when I came in.

11 Q. And if he wanted to go all the way down
12 to the basement --

13 A. He would have to go all the way with the
14 elevator.

15 Q. The elevator did go all the way down the
16 basement.

17 A. Oh, yes. It would if you wanted to go to
18 the basement. But when you went to the basement,
19 then the door would have to be shut because if the
20 elevator was down there, it would be open, someone
21 could fall through it.

22 Q. I understand. Okay. He was --

23 A. He must have brought her down the steps.
24 I never thought too much about that part.

25 Q. Actually, if he had been on the elevator

1 and wanted to put something in the basement, he could¹³
2 have ridden straight down without stopping?

3 A. Oh, yes. He could go down and never
4 stopped on the first floor.

5 Q. And when you saw him between the elevator
6 and the trapdoor, was he facing either way?

7 A. Well, he was halfway facing. He was
8 standing at halfway, and the girl was on his shoulder;
9 and he was looking towards the door because I think
10 he sensed that someone might come in. He didn't have
11 time to go to the door and lock the door. The door
12 was unlocked.

13 Q. When you first got a glimpse of him, he
14 was not walking; is that right?

15 A. No. He was standing still.

16 Q. Standing still

17 A. He looked over at me and reached out like
18 this (indicating) and said, "I will kill you if you
19 say anything about it."

20 Q. After that day, did you ever have
21 occasion to talk to Jim Conley or meet him again?

22 A. I seen him once or twice slightly, but I
23 never talked with him any more. He stayed clear of
24 me because he thought maybe I had already said
25 something or would say something. He stayed clear of

1 me. He didn't work much longer after that. They 74
2 arrested him pretty soon.

3 Q. And I understand that you did speak, at
4 least briefly, to Mr. Frank after that?

5 A. Oh, yes. I talked to Mr. Frank the next
6 day and the day after that, but it was on business.
7 But he came to me, and he called me by my name, and
8 he said, "I'm uneasy." He liked me.

9 Q. So, in other words, the company opened up
10 right after that; and everybody went back to work.

11 A. Oh, yes. He felt like it -- they would
12 get him into it or implicate him. He felt that way.

13 Q. So he was feeling uneasy before?

14 A. He was uneasy before they arrested him.

15 Q. Before any public knowledge of --

16 A. Yes, he told me so.

17 Q. Okay. Did he indicate why he would feel
18 uneasy?

19 A. No, he didn't say. He just said, "I feel
20 uneasy." Mr. Dolly was the assistant manager. Mr.
21 Ship was the office manager. Mr. Lord was the office
22 clerk. I knew them all, and they were all nice to me;
23 and they were all Jewish. Except Dolly, he wasn't.
24 The assistant manager was not Jewish.

25 (Discussion ensued off the record).

1 Q. (BY MR. WING) Did they arrest Jim Conley
2 almost immediately after they found the body?

3 A. It wasn't too long afterwards. I didn't
4 keep up with the time. I really don't know just how
5 long it was, but they did arrest him; and they also
6 arrested a night watchman, Newt Lee.

7 Q. I guess this is the point that concerns
8 me. It was the first time that came up today that
9 everybody went back to work. Apparently Conley was
10 arrested; and during this period of time before he's
11 been accused, Mr. Frank states he feels uneasy. Is
12 that right?

13 A. The very next day Mr. Frank came to me
14 and tapped me on the shoulder and spoke to me; and he
15 says, "I feel uneasy," the very next day.

16 Q. And you didn't have occasion to talk
17 about anything he might have done at that point?

18 A. No, he didn't talk about it.

19 MR. THOMPSON: Mr. Wing?

20 MR. WING: Yes.

21 MR. THOMPSON: If I may, in the interest
22 of clarity here.

23 MR. WING: Go right ahead.

24 MR. THOMPSON: Mr. Mann, we asked this
25 same question, if you remember, back last February or

1 March at your house. I am Jerry Thompson. You know
2 me.

3 THE WITNESS: Yeah. I don't remember
4 exactly how I answered it, though.

5 MR. THOMPSON: You told me that -- and
6 then our research bore this out later -- that before
7 Mr. Frank told him that he felt uneasy that Mr. Frank
8 himself had been questioned on several occasions by
9 the police. They had gone to his house, whisked him
10 away before breakfast, took him to the pencil factory,
11 and asked him to show them around. They took him to
12 the morgue and asked him to identify the body, and he
13 had already been questioned several times by police
14 before they went back to work on Monday morning.

15 And it was on a Tuesday morning, I think
16 he told us at that time and I think we related it in
17 this story, and I am sure our research will reflect
18 that, that he had been questioned by the police
19 before he told him; and he even went further to say,
20 "You can do right all your life and still things will
21 happen to you." Do you remember him saying something
22 to that --

23 THE WITNESS: If I said that, it's true.
24 Of course, right now I can't remember just everything
25 I said in the correct words, but whatever I told you

1 is correct. It may not have been the next day. It ⁷⁴
2 may have been a day or two later.

3 MR. THOMPSON: But regardless of that
4 fact, that was a point of concern for us also, why
5 was Leo Frank feeling uneasy if he had nothing to do
6 with it. He had been questioned by police on I know
7 two occasions and maybe more because he is
8 remembering back 70 years. I am trying to struggle
9 remembering back 8 months. But he had been
10 questioned by police, and that question -- the line
11 of questioning had given him cause to feel uneasy
12 about his own situation.

13 THE WITNESS: Well, that was the reason
14 then. But I never thought too much about it what
15 happened outside. Whatever I told you was correct.
16 Now, if I am varying a little bit is because I --
17 anybody would vary some in trying to tell something.

18 MR. THOMPSON: Go ahead, Mr. Sherborne.

19 MR. SHERBORNE: I don't know if I am
20 hooked up a to microphone. I am Bob Sherborne. In
21 our conversations with Mr. Mann, he had a -- as he
22 related to us, he had a conversation with Mr. Frank.
23 He says the next day. The chronology is the next day
24 after the murder, of course, was a Sunday. The
25 factory reopened on Monday morning.

1 THE WITNESS: It was on a Sunday, that's
2 true.

3 MR. SHERBORNE: The factory reopened on
4 Monday morning. It was shortly closed after that.
5 It stayed open only a short time because the girls
6 became hysterical, and they closed the factory. On
7 Tuesday Mr. Frank went back to the factory and sent
8 Mr. Mann out to get a newspaper, which he brought him,
9 which was a special edition which said that Mr. Frank
10 was to be charged with the murder that day.

11 MR. WING: Okay. So by the time they
12 went back to work, he had already been questioned in
13 an accusatory manner.

14 MR. THOMPSON: He had been questioned on
15 Sunday, the day the body was discovered.

16 THE WITNESS: Of course, I know the next
17 day was Sunday. We were closed.

18 MR. THOMPSON: Long before Mr. Mann and
19 Mr. Frank got back together.

20 THE WITNESS: If I am a little off the
21 track, I can't be perfect.

22 MR. WING: I understand that.

23 MR. HOOKER: Mr. Wing, I think on this
24 point, because you have raised it, that basically
25 what Mr. Sherborne has just said is a part of the

1 exhibit. Let me show that to you and see if that
2 satisfies your question.

3 MR. WING: It has already been satisfied
4 really.

5 MR. HOOKER: You go ahead, and I will
6 show it to you so you can glance at it.

7 Q. (BY MR. WING) Okay. Mr. Schwartz got
8 into this a little bit; but at your home in private
9 conversations with your parents, what was the
10 reaction in the home once Mr. Frank was charged with
11 it?

12 A. You mean reaction in my home?

13 Q. Yes, just the conversation back and forth.

14 A. The reaction in any home was that my
15 father and mother said, "Well, they can't find him
16 guilty. They will not find him guilty." They never
17 thought he would be found guilty.

18 Q. They realized at that point that what you
19 had seen was part of a murder taking place.

20 A. Oh, yes; but they didn't see how they
21 could -- they didn't see how Leo Frank could be
22 convicted.

23 Q. Right.

24 A. My father was a very smart man. He had a
25 lot of sense. He was a good man, and he told the

1 neighbor next door; he says, "They will not convict 86
2 Frank."

3 Q. Was that the prevailing attitude in the
4 community there?

5 A. That was his attitude.

6 Q. What about the other people in the
7 community?

8 A. I think that he would tell anyone that he
9 talked to. I know I did hear him tell the neighbor
10 next door.

11 MR. WING: I think that's all I have, Mr.
12 Mann. Do you have anything, Mr. Moore, that you want
13 to ask?

14 EXAMINATION

15 BY MR. MOORE:

16 Q. I have one, Mr. Mann. An earlier
17 question seemed to assume that Jim Conley when you
18 saw him was on his way down from an upper floor. Is
19 it possible from the way he was positioned that he
20 had not come down from an upper floor but, in fact,
21 had had the confrontation on that main first floor of
22 the pencil company shortly before you came on to the
23 scene?

24 A. Oh, yes. That could have happened as she
25 come down the steps; but I was thinking in case he

1 did come down, he didn't come down -- I don't think 81
2 he came down on the elevator. He would have come
3 down the steps, but now I do believe that he attacked
4 her as she came down the steps.

5 Q. It is not your belief necessarily that
6 Jim Conley had brought the body of the girl down to
7 the first floor --

8 A. No.

9 Q. -- but the confrontation happened right
10 there on the first floor?

11 A. I think it happened all on the first
12 floor. I do, but I am just thinking of ways it could
13 have happened.

14 Q. If I could just ask you one question, I
15 think you might have answered it a little bit earlier.
16 I forget. But is it true that you have responded
17 openly this year to the -- and revealed your
18 knowledge of the case without any prompting of a
19 desire to obtain any monetary reward or any other
20 thing of material value?

21 A. No monetary reward and no -- about this
22 story, I told it. I have realized nothing out of it,
23 and I ask nothing for it; but I did tell Robert
24 Sherborne and Jerry Thompson that I would let them
25 handle it from then on because I just don't feel like

1 trying to go through with it any more.

2 Q. Basically, what you are saying is that
3 you have agreed for Mr. Sherborne and Mr. Thompson to
4 screen requests and calls for interviews that you
5 might --

6 A. Whatever they think they want to do with
7 it, but I never thought of it in terms of commercial.
8 I never thought of it that way.

9 Q. This is not a commercial transaction that
10 you are speaking of?

11 A. Whatever they want to do with it, they
12 can do with it. There hasn't been no one -- no money
13 involved in it, none at all, and no promises.

14 MR. MOORE: That covers my questions.

15 THE WITNESS: Thank you.

16 MR. HOOKER: Let me say for the record
17 since the question has come up because we want to be
18 absolutely full disclosure. As I understand it as
19 Mr. Mann's lawyer and as I understand it as a
20 consequence of having talked to Mr. Bob Sherborne and
21 to Mr. Jerry Thompson the matter came up precisely as
22 Mr. Mann has told you, that he told his nephew who in
23 turn told Jerry Thompson, and Jerry Thompson then as
24 a newspaper reporter proceeded for the purpose of --
25 sole purpose of seeing whether or not this was a

1 legitimate story for the newspaper. He did proceed. 83

2 He then convinced his publisher, Mr. John
3 Sigenthal of the Nashville Tennessean that this story
4 ought to be told. The Nashville Tennessean -- I used
5 to be the general counsel for the Nashville
6 Tennessean. I do not represent the Nashville
7 Tennessean in this matter. I don't practice law any
8 more. I am here because I am a great admirer of
9 Jerry Thompson's, and Mr. John Sigenthal of the
10 Nashville Tennessean is my very close friend.

11 Mr. Mann did not have a lawyer, and I was
12 asked to talk to Mr. Mann; and Mr. Mann then asked me
13 to be his lawyer in the matter, and I appear today as
14 his counsel. I am unpaid by Mr. Mann or the
15 Tennessean or anybody else. I am here in the
16 interest of justice because Mr. Mann asked me to be
17 here.

18 However, I do want to show on the record
19 the truth, and that is that the matter was proceeded
20 on by the Nashville Tennessean for the pure purpose
21 of running a newspaper story, which has now been run.
22 Subsequent to that, Mr. Thompson has written a book
23 about his activities with the Ku Klux Klan wherein he
24 was an investigator -- investigative reporter for the
25 Nashville Tennessean. He went and did a series of

1 articles for the Tennessean. After he finished doing
2 the articles for the Tennessean, he then wrote a book;
3 and he is an author of this book.

4 And after this story was completed, Mr.
5 Thompson then discussed with Mr. Sigenthal that he
6 would like to write a book concerning the Leo Frank
7 case; and as I understand it -- Mr. Thompson here can
8 speak for himself for the record. Mr. Thompson has
9 proceeded and is proceeding to write a book regarding
10 this matter. And indeed he and Mr. Sherborne, in
11 partnership, have done outlines of many chapters of
12 the book; and they are presently proceeding to write
13 the book. Beyond that Mr. Thompson has been
14 contacted by Mr. Curtis and others related to the
15 possibility of a movie being made about the Leo Frank
16 matter.

17 In conjunction -- in accordance with that,
18 Mr. Thompson and my client, Mr. Mann, had some
19 conversations; and they have an agreement among
20 themselves that Mr. Thompson and Mr. Sherborne would
21 be in control of the "Alonzo Mann Story." Mr. Mann
22 is an elderly gentleman, and he wanted somebody to
23 deal with whoever needs to be dealt with about the
24 matter, and he entered into a written agreement with
25 these two gentlemen, which I don't have with me, but

1 which if it is material, we will be happy to make
2 available to the Pardons and Paroles Board so you
3 will know the whole facts.

4 MR. SCHWARTZ: When did he do that?

5 MR. HOOKER: That was done --

6 MR. THOMPSON: Long after this series ran.

7 THE WITNESS: Oh, yes. Everything was
8 over with.

9 MR. HOOKER: This started purely as a
10 matter that Mr. Mann wanted to get the matter on the
11 record. Mr. Thompson happened to be the conduit for
12 that. After the story was completed, then because of
13 Mr. Thompson's qualifications and the fact he just
14 completed a book, it occurred to him that this story
15 was something that ought to likewise be the subject
16 of a book. He had conversations with Mr. Mann about
17 that, and the matter went from that point to where it
18 is now by the process I have just told you.

19 But we want the Board to have the benefit
20 of that knowledge because insofar as the testimony of
21 Mr. Mann is concerned today, it has absolutely
22 nothing to do with any commercial transaction
23 contemplated by him at the time that he decided to
24 bring the matter public; and he is here for the
25 purpose of getting Mr. -- helping to get a pardon for

1 Mr. Leo Frank and not for the purpose of making any &
2 money out of the fact that that may come to pass or
3 whether it comes to pass or not.

4 THE WITNESS: That is correct. Now, may
5 I correct one thing?

6 MR. WING: Yes.

7 THE WITNESS: When I said that Jim Conley
8 could have brought the woman down -- the girl down
9 the stairs, I said he could have. The elevator which
10 he did know -- it was really true and the way it
11 looks to me and the way I think it is, the way I
12 think it was, she was coming down the steps with an
13 envelope; and that's when he stopped her and took her,
14 knocked her in the head or something. That's when it
15 really happened, when she came down the steps. I was
16 just thinking about what could have happened.

17 FURTHER EXAMINATION

18 BY MR. WING:

19 Q. Actually, she could have come down the
20 steps, he could have brought her down, they could
21 have come down the elevator separately or together.

22 A. They could have if it happened upstairs.
23 But I am sure it happened as she came down with an
24 envelope, and he was on that floor.

25 Q. Let me ask an opinion question, Mr. Mann.

84
1 Would Mr. Conley have had any reason to lie about
2 this at all other than to cover up the fact that he
3 did the killing?

4 A. Yes, he had reason, because he felt sure
5 that he would be questioned and maybe arrested; and
6 he wanted to blame it on Mr. Frank. He would have a
7 good reason. He and Mr. Frank wasn't good friends at
8 all.

9 Q. There wouldn't be any reason other than
10 the fact to cover up the fact that he did it?

11 A. No. Mr. Frank just gave him orders, and
12 he carried them out. But you could easily think now
13 since I was there, "They may arrest me. Why not
14 blame it on Mr. Frank." A child could think that.

15 Q. You are personally convinced that Jim
16 Conley did it?

17 A. I am convinced that's the way it was.
18 That's my opinion. And I still believe in the sight
19 of God that Frank did not kill that girl. Jim Conley
20 killed her.

21 Q. Okay. One other question. I know this
22 is really getting into an opinion question.

23 A. That's all right.

24 Q. Okay. There was some anti-Jewish feeling
25 back then, but blacks weren't held in very high

1 regard either. I wonder do you know why -- and you 8
2 lived through it -- all of it centered on Mr. Frank
3 as opposed to on Mr. Conley?

4 A. Back in those days the blacks was
5 considered as people that was servants or you could
6 give orders to, that would do things, wash dishes or
7 work in restaurants; and they would say, "Yes, sir,
8 boss." But the Jewish people in those days wasn't
9 liked because they were coming into the territory and
10 going into business and doing well. That's why.

11 Q. So although --

12 A. That's why they had that feeling.

13 Q. Although blacks weren't highly regarded,
14 they weren't looked on as a threat?

15 A. They were regarded as servants --

16 Q. I see.

17 A. -- back in those days because I -- my
18 brother-in-law had one working for him -- had several
19 working for him, and he bossed them around. They
20 washed dishes, swept floors, cleaned out his yard,
21 and cleaned around his business. They were
22 considered as -- today blacks are equal with white
23 when it comes to making money.

24 Q. On the defense lawyers, Mr. Frank's
25 lawyers, they talked to you just one time before the

1 trial?

89

2 A. Yes, that's about all. They didn't have
3 too much. They didn't have too much to say to me.

4 MR. WING: I think that's all I have, Mr.
5 Mann.

6 THE WITNESS: Well, in my honest opinion,
7 regardless of any way it works out, Frank was not
8 guilty; and Jim Conley was guilty. That's the way I
9 feel about it, and I will feel about it until I die.
10 I won't change.

11 MR. WING: I am convinced of your
12 sincerity.

13 THE WITNESS: I won't change. If I made
14 any mistakes, excuse me.

15 MR. HOOKER: Anybody else? Dave, you
16 have no further questions? What about you, Charles
17 Wittenstein?

18 MR. WITTENSTEIN: No

19 MR. HOOKER: April, you don't have any
20 questions? Silas? All right, Mr. Mann. We thank
21 you very much.

22 THE WITNESS: If either one of you had to
23 do what I had to do now, you would make some mistakes.

24 (Testimony concluded).
25

C E R T I F I C A T E

G E O R G I A:

FULTON COUNTY:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 90 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 23rd day of November, 1982.

Linda M. Lewis

LINDA M. LEWIS, CCR-B-640

My commission expires on the
14th day of October, 1984.